IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 883 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

ABDUL RAHEMAN ABDUL HAKIM CHADNIWALA

Versus

STATE OF GUJARAT

Appearance:

Mr.JP JAPEE for Petitioner

MR HH PATEL APP for Respondent No. 1

None present for Respondent No. 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 09/01/2001

ORAL JUDGEMENT

Heard learned counsel for the parties.

Learned counsel for the respondent No.1 raised a

preliminary objection re. maintainability of this Special Criminal Application. It is contended that the order passed by JMFC, Himatnagar dated 6.8.1998 is revisable under Section 397 of the Criminal Procedure Code and as the petitioner has efficacious alternative remedy available, this petition is not maintainable. I find sufficient merits in this contention of the learned counsel for the respondent No.1. The order passed by JMFC, Himatnagar is revisable and as such the Special Criminal Application is dismissed only on this ground. Rule is discharged. Interim relief, if any, granted earlier stands vacated. The petitioner is directed to pay Rs.400/- as costs of this petition to the State of Gujarat.

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